

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>DAMIEN MAURICE BALARK,</b>	:	<b>CIVIL ACTION NO.</b>
<b>Cobb Cnty. ID # 001000882 L-6,</b>	:	<b>1:12-cv-03428-TWT-AJB</b>
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>UNNAMED,</b>	:	<b>PRISONER MANDAMUS</b>
<b>Defendant.</b>	:	<b>28 U.S.C. § 1361</b>

**UNITED STATES MAGISTRATE JUDGE’S  
FINAL REPORT AND RECOMMENDATION**

Plaintiff has written a letter “To Whom this should concern,” which the Clerk of Court has docketed as this prisoner mandamus action. [Doc. 1]. Plaintiff states that he is “currently being detained in the Cobb County ADC [Adult Detention Center] for allegations of child molestation.” [*Id.* at 1]. Plaintiff states that “the alleged victim lied about her age,” but he “now understand[s] that [she] was indeed underage[] at the time.” [*Id.*]. Plaintiff explains that he is “writing this letter . . . because [he] was raped and molested as a child, and the state neglected to hear [his] cries.” [*Id.*].

The remainder of Plaintiff’s letter is a detailed explanation of precisely how and when he was raped and molested as a child. [*Id.* at 1-3]. At the letter’s end, Plaintiff “beg[s] for someone who possesses a caring ear, heart, occupation, etc. to assist [him] in this matter,” and he offers the telephone number of his fiancée, who “can answer

questions and attest to these events, being that [his] mom told her about [his] molestation. Please respond ASAP! I am severely depressed.” [*Id.* at 4].

It does not appear from the foregoing that by writing a letter seeking assistance in his current plight that Plaintiff intended to initiate a federal lawsuit at this time. This Court certainly is in no position to assist him in dealing with his emotional and psychological issues, as real and oppressive as they well may be. Accordingly, **IT IS RECOMMENDED** that this matter be **CLOSED** administratively.<sup>1</sup>

The Clerk is **DIRECTED** to terminate the referral to the Magistrate Judge.

**IT IS SO RECOMMENDED and DIRECTED**, this 20th day of November, 2012.

  
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**ALAN J. BAVERMAN**  
**UNITED STATES MAGISTRATE JUDGE**

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<sup>1</sup> If Plaintiff wishes to challenge some aspect of his pretrial detention (such as the conditions of his confinement, or a possible violation of the Eighth Amendment prohibition against excessive bail or of his Sixth Amendment rights to an attorney or to a speedy trial), he may do so by filing either (1) a civil rights complaint under 42 U.S.C. § 1983 regarding the conditions of his confinement, but only after first exhausting the administrative remedies available at the Cobb County Adult Detention Center with respect to those conditions, or (2) a habeas corpus petition under 28 U.S.C. § 2241 regarding a violation of his rights during the pretrial proceedings, but only after first exhausting the remedies available to him in the state courts with respect to those proceedings.